

**CONDITIONS OF APPROVAL - EXHIBIT B
SUB2015-00042 – OAK TERRACE**

Approved Project

1. A Tentative Tract Map 2558 (Oak Terrace) to subdivide a 3.26 acre parcel into fifteen residential lots ranging in size from 6,000 to 7,011 square feet each;. on-site road improvements (Oak Terrace Circle) and off-site road improvements to Magenta Lane and Oak Terrace Lane; one on-site underground stormwater basin to be constructed under the cul-de-sac of Oak Terrace Circle; two off-site stormwater detention basins and associated storm drains on adjacent property owned by the applicant northeast of the project site; and site disturbance of approximately four acres (including off-site improvements on APN 092-572-015).

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Oak Terrace Lane constructed to an A-2 urban section within a 50 foot dedicated right-of-way.
 - b. Primrose Lane constructed to a 2/3 A-2 urban (min. 24 feet) section within a 40 foot dedicated right-of-way.
 - c. Oak Terrace Circle constructed to an A-2 urban cul-de-sac section within a private easement.
 - d. Magenta Lane constructed to an 2/3 A-2 urban section and continuing to Tefft Street.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
 - a. A 20 foot radius property line return at the intersection of all streets.
4. A private easement shall be reserved on the map for access to lots 11 through 15.
5. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

6. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (NCSD/County Health).
 - d. Sewer plan (NCSD/County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.

7. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
8. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
9. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
10. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection**, as applicable, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Drainage

11. Submit complete drainage calculations to the Department of Public Works for review and approval.
12. Drainage must be retained in a drainage basin. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
13. The drainage basin along with rights of ingress and egress be:
 - a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
14. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.
15. **Prior to issuance of grading permits for tract improvements**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

Utilities

16. Electric and telephone lines shall be installed underground.
17. Cable T.V. conduits shall be installed in the street.

18. Gas lines shall be installed.

Design

19. The lots shall be numbered in sequence.
20. All the structures on the property be removed or brought into conformance with the Land Use Ordinance prior to filing the final parcel or tract map. A demolition permit may be required.
21. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Fire Protection

22. The applicant shall obtain a fire safety clearance letter from Cal Fire establishing fire safety requirements prior to filing the final parcel or tract map.

Parks and Recreation (Quimby) Fees

23. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

24. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 20 percent of the adopted fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

25.

Archaeological Monitoring

26. **Prior to recordation of the final map**, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall apply to both tract improvements and individual lot development. The monitoring plan shall include:
 - a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - d. Description of what resources are expected to be encountered;
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures;
 - g. Description of monitoring reporting procedures.

27. **Prior to recordation of final map**, the applicant shall pay all applicable Quimby fees.
28. **Prior to recordation of the final map**, the applicant shall provide a final “will-serve” letter from the Nipomo Community Services District.
29. **Prior to recordation of the final map**, the applicant shall submit a final “will-serve” letter from the Nipomo Community Services District to the Environmental Health Division.
30. **Prior to recordation of the final map**, the applicant shall pay a fee of \$7,300 to be placed in an escrow account and applied to a new or existing bus stop within the area of the project.

Additional Map Sheet

31. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed **prior to occupancy of any new structure**.
 - b. A notice that no construction permits will be given a final inspection until fire safety conditions required from Cal FIRE are completed. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
 - c. **Prior to issuance of construction permits**, the applicant shall submit a landscape plan incorporating the use of native, drought-tolerant shrubs and trees to shield at least 80 percent of future residential development as seen from both Tefft Street and Juniper Street. In addition, the applicant shall submit a color and materials board including the use of earth-tone exterior and roof colors and muted exterior materials. All structures shall comply with any adopted design standards for the area at the time of construction permits.
 - d. **Prior to final inspection**, the applicant shall implement the approved landscape plan and color and materials board.
 - e. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to site disturbance.
 - i. Reduce the amount of disturbed area where possible.
 - ii. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.

- iii. All dirt stock-pile areas should be sprayed daily as needed.
 - iv. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - v. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. **Prior to issuance of grading and construction permits**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
- g. **Prior to issuance of construction permits**, proposed plans shall show that only APCD approved wood burning devices would be installed in new residential units.
- h. **Prior to final map recordation**, the applicant shall enter into an off-site conservation easement with the County or pay a compensatory fee as directed by the County into an oak preservation/restoration fund for future development areas for 16 of the 32 coast live oak trees to be removed. The intent of the easement is primarily to protect the populations of coast live oak trees. All allowed activities or uses within this open space area shall be limited to what is specified in the agreement/easement, and shall be passive in nature and not adversely impact the identified sensitive biological resources. All hooved animals (grazing) shall be excluded from these areas (sturdy fencing shall be installed as necessary to protect sensitive areas). To avoid potential modification or removal of sensitive vegetation for fire protection, all applicable future structures shall be setback from the edge of the open space/ conservation easement area the distance recommended by CDF. This setback shall be **shown on all applicable future construction plans**.
- i. The applicant shall submit for county-approval, an Off-site Restoration Plan prepared by a county-qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) for the remainder 16 coast live oak trees that shows a comparable off-site area can be restored with coast live oak trees. The site must have the following components:
- a. The off-site area is owned or controlled by a non-profit or governmental agency;
 - b. It is shown that the intent for the area will be to protect it in perpetuity with the primary goal to reestablish and maintain native habitat;
 - c. There is comparable area available for coast live oak restoration;
 - d. It is within close proximity of the subject property;
 - e. The area targeted is clearly shown to have all of the necessary requirements for successful reestablishment of the plant/habitat (that will be better than or equal to the sensitive plant area(s) being eliminated) without the need of any long-term artificial maintenance (other than occasional weeding and providing for temporary irrigation water);
 - f. Submittal of a cost estimate by a qualified individual for: property

acquisition, site evaluation reporting, all restoration work, and monitoring/maintenance/ remedial work for at least 7 years;

- g. Establishment of a bond for the cost estimate to be held by the county until targeted area is considered successfully restored;
- h. If targeted area fails, bond shall be applied to establishing a second area.

The plan shall provide for the replacement, in kind at a 4:1 ratio, 16 coast live oak trees removed as a result of the development of the project, for a total replacement count of 64 coast live oak trees. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

- j. **Prior to final inspection of subdivision improvements or grading permits,** and after the trees have been planted, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building in compliance with the Off-site Restoration Plan.
- k. To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than seven years, in compliance with the Off-site Restoration Plan. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established. Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.

- l. **Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- m. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.

Covenants, Conditions and Restrictions

- 32. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. On-going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity.
 - b. Maintenance of all local streets within the subdivision until acceptance by a public agency.
 - c. **Prior to issuance of construction permits**, the applicant shall submit a landscape plan incorporating the use of native, drought-tolerant shrubs and trees to shield at least 80 percent of future residential development as seen from both Tefft Street and Juniper Street. In addition, the applicant shall submit a color and materials board including the use of earth-tone exterior and roof colors and muted exterior materials.
 - d. **Prior to final inspection**, the applicant shall implement the approved landscape plan and color and materials board.
 - e. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to site disturbance.
 - i. Reduce the amount of disturbed area where possible.
 - ii. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - iii. All dirt stock-pile areas should be sprayed daily as needed.

- iv. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- v. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. **Prior to issuance of grading and construction permits**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
- g. **Prior to issuance of construction permits**, proposed plans shall show that only APCD approved wood burning devices would be installed in new residential units.
- h. **Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- i. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.

Miscellaneous

- 33. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 34. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
- 35. **Prior to recordation of the final map**, the applicant shall enter into an off-site conservation easement with the County or pay a compensatory fee as directed by the County into an oak preservation/restoration fund for future development areas for 16 of the 32 coast live oak trees to be removed. The intent of the easement is primarily to protect the populations of coast live oak trees. All allowed activities or uses within this open space area shall be limited to what is specified in the agreement/easement, and shall be passive in nature and not adversely impact the identified sensitive biological

resources. All hoofed animals (grazing) shall be excluded from these areas (sturdy fencing shall be installed as necessary to protect sensitive areas). To avoid potential modification or removal of sensitive vegetation for fire protection, all applicable future structures shall be setback from the edge of the open space/ conservation easement area the distance recommended by CDF. This setback shall be **shown on all applicable future construction plans**.

36. **Prior to recordation of the final map**, the applicant shall submit for county-approval, an Off-site Restoration Plan prepared by a county-qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) for the remainder 16 coast live oak trees that shows a comparable off-site area can be restored with coast live oak trees. The site must have the following components:

- a. The off-site area is owned or controlled by a non-profit or governmental agency;
- b. It is shown that the intent for the area will be to protect it in perpetuity with the primary goal to reestablish and maintain native habitat;
- c. There is comparable area available for coast live oak restoration;
- d. It is within close proximity of the subject property;
- e. The area targeted is clearly shown to have all of the necessary requirements for successful reestablishment of the plant/habitat (that will be better than or equal to the sensitive plant area(s) being eliminated) without the need of any long-term artificial maintenance (other than occasional weeding and providing for temporary irrigation water);
- f. Submittal of a cost estimate by a qualified individual for: property acquisition, site evaluation reporting, all restoration work, and monitoring/ maintenance/ remedial work for at least 7 years;
- g. Establishment of a bond for the cost estimate to be held by the county until targeted area is considered successfully restored;
- h. If targeted area fails, bond shall be applied to establishing a second area.

The plan shall provide for the replacement, in kind at a 4:1 ratio, 16 coast live oak trees removed as a result of the development of the project, for a total replacement count of 64 coast live oak trees. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be

avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

37. The applicant shall utilize healthy trees on-site where feasible.

STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

12. Prior to submission of the map “checkprints” to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.